City of Lansing MS4 NPDES Application Attachment B

Illicit Discharge Elimination Program (IDEP)

Response to Application Question #8

Regarding prioritization of IDEP outfall field investigations, the City of Lansing is proposing and planning to prioritize outfall based upon two (2) primary criteria as follows:

- 1. Outfalls on smaller receiving streams where an IDEP source would be expected to have a greater, negative impact on in-stream water quality; and
- 2. Receiving stream reaches identified by the *E.coli* TMDL to have existing water quality impairments.

A third criteria for the City of Lansing potentially would be to place priority on the NPDES application's suggested priority, "Industrial, commercial or mixed use areas". However, since there are no "predetermined" areas of concern in the City consistent with the application's bulleted priorities, the City believes that the approach of criteria #1, above, makes the most sense relative to addressing water quality impacts from IDEP sources.

In order to assure compliance with MS4 permitting requirements, the City of Lansing has performed a complete "first round" of IDEP investigations at all 196 MS4 outfalls. The City of Lansing would propose to complete a minimum of fifty (50) outfall investigations consistent with a re-issued NPDES authorization (during the next permit "cycle").

Again, regarding prioritization, although the majority of the City's MS4 outfalls discharge directly to the Grand River and the Red Cedar River, many outfalls discharge to smaller receiving streams, including:

- thirteen (13) outfalls on Sycamore Creek;
- seventeen (17) outfalls on Mud Lake Drain;
- three (3) outfalls on Reynolds Drain;
- three (3) outfalls on Jones Lake:
- three (3) outfalls on an unnamed lake (located at the confluence of Reynolds Drain and the Grand River);
- one (1) outfall on Gilkey Drain: and
- one (1) outfall on Johnson Drain.

After completing investigations on the above indicated forty-one (41) outfalls, the City would use the second criteria above (i.e., TMDL identified impairments) to investigate an additional ten (10) outfalls on the Red Cedar River in the vicinity of Potter Park. Again, the Red Cedar River is prioritized above the Grand River based upon receiving stream "size" and the perception that an IDEP source would have greater impact on a smaller receiving stream. Of course, the results of all investigations conducted consistent with the City's IDEP are available for DEQ review.

Specific location information for these fifty-one (51) outfalls is contained in attached Table 2.

Attachment B (continued)

Response to Application Question #14 and Question #17

This application question asks the applicant to provide "the procedure for responding to illicit discharges outside of the priority areas". Please note that the City's procedure for responding to illicit discharges outside of the priority areas <u>does not differ</u> from the procedure and approach for responding to illicit discharges within the prioritized areas. This is due to the fact that the City of Lansing places the highest priority on addressing and eliminating any and all illicit discharges to its MS4.

Standard Operating Procedure Series 700 indicates the City's approach to responding to suspected illicit discharges/dischargers. In conjunction with this standard operating procedure, the City would like to emphasize that, upon learning of a suspected IDEP source, Dept. of Public Service, Engineering Division staff and Operations & Maintenance Division staff "immediately" and as soon as possible coordinate efforts to assure ultimate elimination of the source. Although full resolution (i.e., elimination) of an IDEP source and the associated corrective action schedule will vary depending upon what physical construction measures are necessary. The City of Lansing pursues maximum feasible progress toward elimination; even when a private property owner may be uncooperative.

Response to Application Question #18

Regarding the program to train staff on identifying an illicit discharge or connection and the proper procedure for reporting, the City of Lansing has developed a PowerPoint presentation that is designed for ALL Operations & Maintenance (O&M) Div. (i.e., field) staff on the importance of recognizing a potential source and how to report the source to appropriate staff for follow-up and potential enforcement. This PowerPoint is distinguished from the training (also a PowerPoint presentation) that is utilized to train specialized O&M) Div. in IDEP outfall field investigations. Both the training for the IDEP overview and the training for in-depth outfall investigation were conducted in fall of 2012. Both of these PowerPoint presentations can be made available for DEQ information.

In addition to the two PowerPoint presentations described above, the GLRC has purchased on behalf of its members an Excal Training Video, Illicit Discharge Detection & Elimination-a Grate Concern, and this video is shared by GLRC members for purposes of trainin g staff.

Regarding the schedule for staff training, as new O&M Division staff is hired, IDEP training will be provided to these groups of new hires. At a minimum, IDEP training will provided as least once in each five-year permit cycle.

Attachment B (continued)

Response to Application Question #19

Regarding the "procedure for evaluating and determining the overall effectiveness of the IDEP", it's unclear as to the goal of this application question.

Based upon prior permit requirements for IDEP, the City has performed over 200 outfall investigations and these investigations have resulted in the detection of approximately three dozen illicit sources. We believe that, if an illicit connection is present at an outfall, the IDEP investigations will result in detection of a source unless the discharge at the source is intermittent in nature. If a discharge is intermittent and the discharge is not occurring at a time that would allow detection via an outfall investigation, it is obviously very difficult to conclude that a source is present. However, although DEQ-Water Resources Division has revised its requirements to allow for prioritization of a permittee's IDEP outfall investigations, it's expected that the City will be re-investigating all of its outfalls on a rotating, as yet to be determined schedule.

In general, the City believes that the massive efforts for IDEP outfall investigations have been successful and it's our belief that all (or most) sources have been eliminated as a result of these efforts.

Response to Application Questions #20 through #24

City Ordinance 1040.11, "Prohibited discharges to storm sewers" states the following: "No person shall discharge or cause to be discharged into any storm sewer or natural or artificial watercourse, waters or wastes other than storm water or uncontaminated industrial wastes, except upon special agreement with the Director of Public Service, who may seek review by the appropriate agency of the State."

The City has used this ordinance for various purposes including implementation of our IDEP and there have been no deficiencies identified relative to the language of this ordinance and the City's ability to implement the IDEP, including enforcement of correction and/or elimination of sources from private property entities.

Having stated the above, it should be noted the Lansing Dept. of Public Service is coordinating efforts with the City's Planning Office to update several sections of its codified ordinances, including several revisions to better comport with MS4 program goals and requirements. At a minimum, these ordinance revisions will include specific provisions for the channel protection and water quality treatment criteria associated with the requirements for post-construction stormwater controls for new development and re-development projects. In addition, the Lansing Dept. of Public Service will review City Ordinance 1040.11 (above) for a determination of what language improvements can be achieved. The various wastestreams listed in the MS4 NPDES application (i.e., water line flushing, landscape irrigation runoff, etc.) will be considered during ordinance revision and it's likely that many (or all) of these wastestreams will be listed for prohibition as a discharge into the City's MS4.

The City's efforts toward ordinance revision are a massive endeavor, including provisions for form-based code for planning and development. As such, the schedule for these new ordinance revisions, including notice and subsequent City Council approval, is expected to take twelve (12) to eighteen (18) months.

Attachment B (continued)

Response to Application Question #25

City Ordinance 1040.15, "Inspections", states the following:

"The Director of Public Service and other duly authorized officials or employees of the City, or State or Federal authorities, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, in accordance with this chapter, at any time during reasonable or unusual business hours."

This ordinance provides the means to facilitating inspections on private property for purposes of implementing the IDEP.

Response to Application Question #26

City Ordinance 1040.11 prohibits illicit discharges into the City's MS4, which by its authority allows the applicant, City of Lansing, to enforce elimination of an illicit discharge.

Response to Application Question #27

City Ordinance 1040.11 does not include specific language relative to a "schedule for eliminating illicit discharge ...". As stated in the response to Questions #20 through #24, the City is working on ordinance revisions and the concept of a maximum schedule for elimination of an illicit connection will be considered. It should be noted that exceptional cases can occur, so, if a schedule term were included in the revised ordinance, a provision for the City Engineer or Public Service Director to consider alternate schedules would likely be included in the associated ordinance language.